

Effective 3/28/2016

63G-6a-1903 Effect of timely protest or appeal.

A procurement unit, other than a legislative procurement unit, a judicial procurement unit, a nonadopting local government procurement unit, or a public transit district, may not proceed further with a solicitation or with the award of a contract:

(1) during the pendency of a timely:

- (a) protest under Section 63G-6a-1602;
- (b) appeal of a protest under Section 63G-6a-1702; or
- (c) appeal of a procurement appeals panel decision under Section 63G-6a-1802; and

(2) until:

- (a) all administrative and judicial remedies are exhausted;
- (b) for a protest under Section 63G-6a-1602 or an appeal under Section 63G-6a-1702:
 - (i) the chief procurement officer, after consultation with the attorney general's office and the head of the using agency, makes a written determination that award of the contract without delay is in the best interest of the procurement unit or the state;
 - (ii) the head of a procurement unit with independent procurement authority, after consultation with the procurement unit's attorney, makes a written determination that award of the contract without delay is in the best interest of the procurement unit or the state; or
 - (iii) for a procurement unit that is not represented by the attorney general's office, the procurement unit, after consulting with the attorney for the procurement unit, makes a written determination that award of the contract without delay is in the best interest of the procurement unit or the state; or
- (c) for an appeal under Section 63G-6a-1802, or an appeal to a higher court than district court:
 - (i) the chief procurement officer, after consultation with the attorney general's office and the head of the using agency, makes a written determination that award of the contract without delay is in the best interest of the procurement unit or the state;
 - (ii) the head of a procurement unit with independent procurement authority, after consultation with the procurement unit's attorney, makes a written determination that award of the contract without delay is in the best interest of the procurement unit or the state; or
 - (iii) for a procurement unit that is not represented by the attorney general's office, the procurement unit, after consulting with the attorney for the procurement unit, makes a written determination that award of the contract without delay is necessary to protect the best interest of the procurement unit or the state.

Amended by Chapter 355, 2016 General Session